

REMARKS

[0001] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-11 and 16-43 are presently pending. Claims amended herein are 1, 16, 24, 30, 33, and 40. New claims added herein are 41-43.

Statement of Substance of Interview

[0002] Examiner Wert graciously talked with Michael D. Carter—the undersigned representative for the Applicant—on February 5, 2009. Applicant greatly appreciates the Examiner’s willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

[0003] During the interview, I discussed how the claims differed from the cited reference. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments.

Formal Request for an Interview

[0004] If the Examiner's reply to this communication is anything other than allowance of all pending claims and the only issues that remain are minor or formal matters, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0005] Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

Claim Amendments and Additions

[0006] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1, 16, 24, 30, 33, and 40 herein. Applicant amends claims to clarify claimed features. Such amendments are made to expedite prosecution and more quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to the cited reference.

[0007] Furthermore, Applicant adds new claims 41-43 herein. These new claims are fully supported by Application and therefore do not constitute new matter.

Substantive Matters

Claim Rejections under § 102 and § 103

[0008] The Examiner rejects claims 1-11, 16-34 and 36-37 under § 102. For the reasons set forth below, the Examiner has not shown that the cited reference anticipates the rejected claims.

[0009] In addition, the Examiner rejects claims 35 and 38-40 under § 103. For the reasons set forth below, the Examiner has not made a prima facie case showing that the rejected claims are obvious.

[0010] Accordingly, Applicant respectfully requests that the § 102 and § 103 rejections be withdrawn and the case be passed along to issuance.

[0011] The Examiner's rejections are based upon the following references alone:

- **Gosior:** *Gosior, et al.*, US Patent No. 6,684,062 (issued January 27, 2004).

Overview of the Application

[0012] The Application describes a technology for a game controller and host manage reception and transmission power of the game controller by determining quality of service (QOS) of data received at the game controller and the host and decrementing power and receiver sensitivity levels to the lowest levels where QOS is acceptable. By maintaining lowest transmission power and receiver sensitivity levels, battery consumption is reduced.

Cited References

[0013] The Examiner cites Gosior as the primary reference in the anticipation-based rejections.

Gosior

[0014] Gosior describes a technology for a wireless system for video game control comprised of a base transceiver engaged with an electronic game device where said base transceiver communicates wirelessly with one or more wireless controllers concurrently and which implements a variety of techniques to achieve significant advantages in the areas of latency, reliability, power consumption, and cross platform compatibility.

Anticipation Rejections

[0015] Applicant submits that the anticipation rejections are not valid because, for each rejected claim, no single reference discloses each and every element of that rejected claim.¹ Furthermore, the elements disclosed in the single reference are not arranged in the manner recited by each rejected claim.²

Based upon Gosior

[0016] The Examiner rejects claims 1-11, 16-34 and 36-37 under 35 U.S.C. § 102(e) as being anticipated by Gosior. Applicant respectfully traverses the rejection of these claims. Based on the reasons given below, Applicant asks the Examiner to withdraw the rejection of these claims.

Independent Claim 1

[0017] The Examiner indicates (Action, pages 2-4) the following with regard to claim 1:

¹ "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); also see MPEP §2131.

² See *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

1. Claims 1-11, 16-34 and 36-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Gosior et al., US Patent 6,684,062 (Gosior).
2. Regarding claims 1, 6-8, 16-18, 22-26 and 28-34, Gosior discloses a wireless (RF) gaming system and method comprising a host (12/14) that receives game controller data and determines QOS on the received controller data based on data packets, wherein transmission power management at the game controller is based on the QOS of the received game controller data (Col. 10 lines 14-25); and a general-purpose game controller (10) that transmits the game controller data to the host, receives host data from the host and determines QOS on the received host data based on data packets, wherein reception power management at the game controller is based on the QOS of the received host data (Col. 9, line 50 – Col. 10, line 5).
3. Gosior discloses a number of specific wireless controllers comprising batteries (Col. 2, lines 3-39). Additionally, Gosior discloses that, "the invention also supports controller input/output functions and programming capabilities and interfacing between the controller and an electronic game device with the...characteristics of... low overhead, low cost and low power consumption" (Col. 12, lines 44-53) and adjusting the power levels dynamically (Col. 10, lines 4-5). Adjusting power levels dynamically to effect low power consumption is equivalent to adjusting the magnitude/sensitivity of the transmission power and reception power to conserve the wireless game controller's battery.

4. As interpreted by the examiner, the term “based on” is not an exclusive term. The transmission/reception power management is controlled by an information set that must include QOS information, but may also include any other type of information desired by a designer. Gosior discloses in the abstract that the purpose of the system is to, “achieve significant advantages in the area[s] of ...power consumption.” This is achieved by Gosior, in part, by using a received signal strength indicator (RSSI) that initially compares the received power level to a standard as pointed out in page 13 of the response. The RSSI is transmitted in the CRH (controller response to poll header) along with QOS information in what Gosior calls the, “data control and RF link control information” section of the sub-header (Col. 10, lines 14-25). Since Gosior groups the data control information and RF link control information in to one item (examiner notes the 3 pieces of information in the header, data type(1), data address(2) and data control information and RF link control information (3)) the examiner views the QOS data and RSSI data as one group of control data. Col. 10, lines 2-3 state that there are multiple headers, but the following paragraphs define what information is in which header and the RSSI and QOS data are both clearly in the same header and in the same family of data and RF link control information. Therefore, since the power control in Gosior is based on the information from the CRH, and specifically with the data and RF link control information, which contains QOS and RSSI data, the power control is based on the QOS data.

[0018] Claim 1, as amended, recites:
“A gaming system comprising:

a host that receives game controller data and determines quality of service (QOS) on the received game controller data, the QOS of the received game controller data having a plurality of metrics associated therewith, with a number of metrics being met to determine if QOS is acceptable, wherein transmission power at the game controller is based on the QOS determination of the received game controller data;

a game controller that transmits the game controller data to the host, receives host data from the host and determines QOS on the received host data, the QOS on the received host data having a plurality of metrics associated therewith, with a number of metrics being met to determine if QOS is acceptable, wherein reception power at the game controller is based on the QOS determination of the received host data, the game controller coupled to a battery; and

wherein a magnitude of the transmission power and the reception power conserves consumption of the battery.

[0019] Gosior does not describe “the QOS of the received game controller data having a plurality of metrics associated therewith, with a number of metrics being met to determine if QOS is acceptable, wherein transmission power at the game controller is based on the QOS determination of the received game controller data ...the QOS on the received host data having a plurality of metrics associated therewith, with a number of metrics being met to determine if QOS is acceptable, wherein reception power at the game controller is based on the QOS determination of the received host data”

[0020] Rather, Gosior describes a poll packet sent by a base transceiver and a response packet sent by a controller, with the poll packet comprising a Controller Polling Header and the response packet comprising a Controller Response to Poll Header, each packet containing data type, data address, and

data control (e.g. quality of service, size) information and RF link control (e.g. transmit and receive power level fields to adjust power levels dynamically) information. See column 9, lines 51-column 10, line 23. However, Gosior has no mention of the quality of service having metrics associated therewith, much less that transmission power/reception power is based on a determination of the quality of service being acceptable via a number of metrics being met, as recited by Applicant's claim 1. Consequently, Gosior does not disclose all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 2-11

[0021] In addition to its own merits, dependent claims 2-11 are allowable for the similar reasons that independent claim 1 is allowable. Applicant requests that the Examiner withdraw the rejection of dependent claims 2-11.

Independent Claim 16 and dependent claims 17-23, 36

[0022] Applicants respectfully contend that the arguments set forth above with respect to independent claim 1, as amended, applies with equal weight here and Gosior does not disclose all of the claimed elements and features of independent claim 16, as amended. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim. Further, dependent claims 17-23 and 36 are allowable for similar reasons that independent claim 16 is allowable. Applicant

requests that the Examiner withdraw the rejection of dependent claims 17-23 and 36.

Independent Claim 24 and dependent claims 25-29, 37

[0023] Applicants respectfully contend that the arguments set forth above with respect to independent claim 1, as amended, applies with equal weight here and Gosior does not disclose all of the claimed elements and features of independent claim 24, as amended. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim. Further, dependent claims 25-29 and 37 are allowable for similar reasons that independent claim 24 is allowable. Applicant requests that the Examiner withdraw the rejection of dependent claims 25-29 and 37.

Independent Claim 30 and dependent claims 31-32

[0024] Applicants respectfully contend that the arguments set forth above with respect to independent claim 1, as amended, applies with equal weight here and Gosior does not disclose all of the claimed elements and features of independent claim 30, as amended. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim. Further, dependent claims 31-32 are allowable for similar reasons that independent claim 30 is allowable. Applicant requests that the Examiner withdraw the rejection of dependent claims 31-32.

Independent Claim 33 and dependent claim 34

[0025] Applicants respectfully contend that the arguments set forth above with respect to independent claim 1, as amended, applies with equal weight here and Gosior does not disclose all of the claimed elements and features of independent claim 33, as amended. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim. Further, dependent claim 34 is allowable for similar reasons that independent claim 33 is allowable. Applicant requests that the Examiner withdraw the rejection of dependent claim 34.

New Dependent Claim 41

[0026] New claim 41 recites:

"A gaming system comprising:

a host that receives game controller data and determines quality of service (QOS) on the received game controller data, the QOS of the received game controller data having a plurality of metrics associated therewith, with a number of metrics being met to determine if QOS is acceptable, wherein transmission power at the game controller is based on the QOS determination of the received game controller data;

a game controller that transmits the game controller data to the host, receives host data from the host and determines QOS on the received host data, the QOS on the received host data having a plurality of metrics associated therewith, with a number of metrics being met to determine if QOS is acceptable, wherein reception power at the game controller is based on the QOS determination of

the received host data, the game controller coupled to a battery;
and

wherein a magnitude of the transmission power and the reception power conserves consumption of the battery;

wherein the metrics of the QOS comprise header data, text data, and voice data.

[0027] Gosior does not describe the metrics of the quality of service comprising header data, text data, and voice data.

New Dependent Claim 42

[0028] New claim 42 recites:

"A gaming system comprising:

a host that receives game controller data and determines quality of service (QOS) on the received game controller data, the QOS of the received game controller data having a plurality of metrics associated therewith, with a number of metrics being met to determine if QOS is acceptable, wherein transmission power at the game controller is based on the QOS determination of the received game controller data;

a game controller that transmits the game controller data to the host, receives host data from the host and determines QOS on the received host data, the QOS on the received host data having a plurality of metrics associated therewith, with a number of metrics being met to determine if QOS is acceptable, wherein reception power at the game controller is based on the QOS determination of the received host data, the game controller coupled to a battery;
and

wherein a magnitude of the transmission power and the reception power conserves consumption of the battery;

wherein the gaming system further comprises a plurality of game controllers, with only one game controller of the plurality of game controllers communicating with the gaming system at a time.

[0029] Gosior does not describe only one game controller of the plurality of game controllers communicating with the gaming system at a time. Rather, Gosior teaches away from this by describing “the polling process for all connected groups of controllers 10 can occur in parallel.” See column 8, lines 4-5.

New Dependent Claim 43

[0030] New claim 43 recites:

“A gaming system comprising:

a host that receives game controller data and determines quality of service (QOS) on the received game controller data, the QOS of the received game controller data having a plurality of metrics associated therewith, with a number of metrics being met to determine if QOS is acceptable, wherein transmission power at the game controller is based on the QOS determination of the received game controller data;

a game controller that transmits the game controller data to the host, receives host data from the host and determines QOS on the received host data, the QOS on the received host data having a plurality of metrics associated therewith, with a number of metrics being met to determine if QOS is acceptable, wherein reception power at the game controller is based on the QOS determination of the received host data, the game controller coupled to a battery; and

wherein a magnitude of the transmission power and the reception power conserves consumption of the battery;

wherein the metrics of the QOS comprise header data, text data, and voice data;

wherein the game controller further comprises a voice module to receive oral commands.

[0031] Gosior does not describe the game controller comprising a voice module to receive oral commands.

Obviousness Rejections

Lack of *Prima Facie* Case of Obviousness (MPEP § 2142)

[0032] Applicant disagrees with the Examiner's obviousness rejections. Arguments presented herein point to various aspects of the record to demonstrate that all of the criteria set forth for making a prima facie case have not been met.

Based upon Gosior

[0033] The Examiner rejects claims 35 and 38-40 under 35 U.S.C. § 103(a) as being unpatentable over Gosior. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

Dependent Claims 2-11 and 35

[0034] In addition to its own merits, dependent claims 35 and 38-39 are allowable for similar reasons that independent claims 1, 30, and 33, respectively, are allowable. Applicant requests that the Examiner withdraw the rejection of dependent claims 35 and 38-39.

Independent Claim 40

[0035] Applicants respectfully contend that the arguments set forth above with respect to independent claim 1, as amended, apply with equal weight here and Gosior does not disclose all of the claimed elements and features of independent claim 40, as amended. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Conclusion

[0036] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call or email me at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC
Representatives for Applicant

/Michael D. Carter/_____

Dated: /March 5, 2009/

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